

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: DIISOCYANATES
ANTITRUST LITIGATION

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Master Docket Misc. No. 18-1001

MDL No. 2862

This Document Relates to:
All Cases

AMBROSE, United States Senior District Judge

ORDER OF COURT

Pending is Plaintiffs' Renewed Motion for Alternative Service of Foreign Defendants. (ECF No. 193). I have reviewed the briefs associated therewith. Plaintiffs began service of process pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (the "Convention"), as previously ordered by this Court. (ECF No. 195). Plaintiffs suggest that service on all of the foreign entities, except China, should occur in approximately 3-4 months. (ECF No. 195, p. 4). In their Opposition, Defendants indicate that, in fact, the authorities in Germany and Korea have already served BASF SE and MCNS. (ECF No. 197, p. 2). As a result, Plaintiffs anticipate that 3 of the 4 remaining Foreign Defendants¹ should be served in the next 3-4 months.²

I appreciate that service under the Convention takes a while. However, sufficient time for service to occur must be given. All of the Central Authorities received the necessary service documents by April 23, 2019. (ECF No. 197, p. 8). Three to four months from April 23, 2019, is not an unreasonable period of time for service to occur under the Convention, especially given that service is underway and two Foreign Defendants have already been served. Thus, while I

¹ Plaintiffs suggest that the fourth Foreign Defendant in China may take longer, perhaps well over a year. (ECF No. 195).

² By the time of the filing of this order, the anticipated time for services on these Defendants will be down to approximately 2-3 months.

am cognizant of concerns over undue delay, I do not find such concerns override the requirement of service under the Convention at this point.

Therefore, Plaintiffs' Motion (ECF No. 193) is denied, without prejudice. Service of process shall continue in accordance with the Convention. If service occurs on all Foreign Defendants, except China, prior to August 23, 2019, Plaintiffs shall advise the Court immediately via a status report. Otherwise, Plaintiffs shall file a status report apprising the Court of service on August 23, 2019.

AND NOW, this 29th day of May, 2019, IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Donetta W. Ambrose", written in a cursive style.

Donetta W. Ambrose
U.S. Senior District Court